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EXAMINER

MEHRPOUR, NAGHMEH

ART UNIT PAPER NUMBER

2617

DATE MAILED: 04/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/708,798

Applicant(s)

CHENG, STEVEN D.

Examiner

Naghmeh Mehrpour

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 05 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 18 is/are allowed.
- 6) ☒ Claim(s) 1-17, 19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2, 7, are rejected under 35 U.S.C. 103(a) as being unpatentable over Haartsen et al. (US patent 6,405,048) in view of Zhao et al. (US Publication 20040192251 A1).

Regarding claim 1, Haartsen teaches method for receiving public broadcast services with a wireless device compatible with the Global System for Mobile communications (GSM) protocol (col 6 lines 19-30), the method comprising:

Performing a radio frequency (RF) scan on all frequencies in at Least one predetermined frequency band to identify all possible Broadcast Control Channels (BCCHS) (col 5 lines 20-21, col 7 lines 9-23);

Indicator (RSSI) Level the BCCHS according to measuring Received Signal Strengths for each BCCH, and sorting the corresponding RSSI Levels (see figure 5, col 8 lines 15-21, col 7 lines 9-63);

the wireless device selecting a BCCH having a strongest average RSSI Level (col 7 lines 64-67, col 8 lines 1-4);

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the wireless device camping on a cell corresponding to the selected BCCH (col 6 lines 18-29). Haartsen fails to teach a method wherein the wireless device receiving GSM public broadcast services from a mobile phone network operating the selected BCCH irrespective of whether the wireless device subscribes to the mobile phone network. However, Zhao teaches a method wherein the wireless device receiving GSM public broadcast services from a mobile phone network operating the selected BCCH irrespective of whether the wireless device subscribes to the mobile phone network. (0004, 0033). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching of Zhao with Haartsen, in order to provide a certain establishing emergency and other limited communications sessions for wireless communications devices having invalid subscriber identities in packet data networks.

Regarding claim 2, Haartsen teaches a method of claim 1 wherein if the wireless device is a multi-band device capable of receiving signals in a plurality of frequency bands, the wireless device scans all frequencies in each of the plurality of frequency bands for identifying all possible BCCHS (col 5 lines 20-22, col 6 lines 32-55).

Regarding claim 7, Haartsen teaches a method wherein after the wireless device selects the BCCH having the strongest average RSSI Level, the wireless device continues to monitor a subset of the identified BCCHS having a highest average RSSI

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Level to ensure that the wireless device always selects the BCCH with the Strongest average RSSI Level (col 7 lines 9-63).

3. Claims 3-6, 8, are rejected under 35 U.S.C. 103(a) as being unpatentable over Haartsen et al. (US patent 6,405,048) in view of Zhao et al. (US Publication 20040192251 A1) in further view of Abrahamson et al. (US Publication 2004/01009431 A1).

Regarding claim 3, Haartsen inherently teaches a method wherein performs the RF scan on all frequencies in at Least one predetermined frequency band if no BCCH formation is already stored in the RSSI Level (col 5 lines 20-55, col 7 lines 9-63).

However, Haartsen modified by Zhao fails to teach the wireless device comprises a nonvolatile memory, and the wireless device performs the RF scan on all frequencies in at Least one predetermined frequency band if no BCCH formation is already stored in the RSSI Level. However, Abrahamson teaches the wireless device comprises a nonvolatile memory, and the wireless device performs the RF scan on all frequencies in at Least one predetermined frequency band if no BCCH formation is already stored in the RSSI Level (0054, 0080-0081). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching of Abrahamson with Haartsen modified Zhao, in order to enable the user to stores more information in the mobile, for the purpose of improving the system performance.

Regarding claims 4, Haartsen teaches a method of claim 3 wherein if BCCH RSSI Level information the wireless device Loads the BCCH and selects a BCCH having a strongest average RSSI Level (col 7 lines 9-67, col 8 lines 1-4). However, Haartsen modified by Zhao fails to teach a method of claim 3 wherein if BCCH RSSI Level information is already stored in the nonvolatile memory. However, Abrahamson teaches the wireless device comprises a nonvolatile memory, and the wireless device performs the RF scan on all frequencies in at Least one predetermined frequency band if no BCCH formation is already stored in the RSSI Level (0054, 0080-0081). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching of Abrahamson with Haartsen modified Zhao, in order to enable the user to stores more information in the mobile, for the purpose of improving the system performance.

Regarding claim 5, Haartsen modified by Zhao fails to teach a method of claim 3 wherein after measuring the RSSI Levels for each BCCH and sorting the BCCHS according to the corresponding RSSI Levels, the wireless device stores a List of the sorted BCCHS and the corresponding RSSI Levels in the nonvolatile memory. However, Abrahamson teaches a method of claim 3 wherein after measuring the RSSI Levels for each BCCH and sorting the BCCHS according to the corresponding RSSI Levels, the wireless device stores a List of the sorted BCCHS and the corresponding RSSI Levels in the nonvolatile memory (0054, 0080-0081). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine

the above teaching of Abrahamson with Haartsen modified Zhao, in order to enable the user to store more information in the mobile, for the purpose of improving the system performance.

Regarding claim 6, Haartsen modified by Zhao fails to teach a method wherein the wireless device is capable of updating the List of the sorted BCCHS and the corresponding RSSI Levels in the nonvolatile memory if the average RSSI Level of the selected BCCH changes by more than a threshold value while the wireless device is camping on the cell corresponding to the selected BCCH. However, Abrahamson teaches a method wherein the wireless device is capable of updating the List of the sorted BCCHS and the corresponding RSSI Levels in the nonvolatile memory if the average RSSI Level of the selected BCCH changes by more than a threshold value while the wireless device is camping on the cell corresponding to the selected BCCH (0054, 0080-0081). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching of Abrahamson with Haartsen modified Zhao, in order to enable the user to store more information in the mobile, for the purpose of improving the system performance.

Regarding claim 8, Haartsen modified by Zhao fails to teach a method wherein the wireless device is capable of camping on multiple BCCHS simultaneously if the multiple BCCHS each belong to different Mobile Country Codes (MCCs) and/or Mobile Network Codes (MNCs). However Abrahamson teaches a method wherein the wireless device is

capable of camping on multiple BCCHS simultaneously if the multiple BCCHS each belong to different Mobile Country Codes (MCCs) and/or Mobile Network Codes (MNCs) (0066). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching of Abrahamson with Haartsen modified Zhao, in order to enable the user to stores more information in the mobile, for the purpose of improving the system performance.

4. Claim 9, is rejected under 35 U.S.C. 103(a) as being unpatentable over Haartsen et al. (US patent 6,405,048) in view of Zhao et al. (US Publication 20040192251 A1) in further view of Hsuan (US Publication 2005/01001332 A1).

Regarding claim 9, Haartsen modified by Zhao fails to teach a method of claim 1 wherein the GSM public broad-cast services include Short Message Service (SMS) messages sent to wireless devices by mobile phone net-works. However, Hsuan teaches a method wherein a method of claim 1 wherein the GSM public broadcast services include Short Message Service (SMS) messages sent to wireless devices by mobile phone networks (0007). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching of Hsuan with Haartsen modified Zhao, for the purpose when a user does not contact GSM system, the SMSC will reserve the message and send it to the user once the user connects the system.

5. Claims 10-11, 16, are rejected under 35 U.S.C. 103(a) as being unpatentable over Haartsen et al. (US patent 6,405,048) in view of Zhao et al. (US Publication 20040192251 A1) in further view of Yaqub (US Publication 2005/01001332 A1).

Regarding claim 10, Haartsen teaches a method for receiving GSM public broadcast services with a mobile station compatible with the Global System for Mobile communications (GSM) protocol (col 6 lines 19-30), the method comprising: performing a radio frequency (RF) scan on all frequencies in at Least one predetermined frequency band to identify all possible Broadcast Control Channels (BCCHS) (col 5 lines 20-31, col 7 lines 9-23);

Indicator (RSSI) level the BCCHS according to measuring Received Signal Strength levels for each BCCH, and sorting the corresponding RSSI levels', the mobile station selecting a BCCH having a strongest average RSSI level (col 9 lines 9-62);

the mobile station camping on a cell corresponding to the selected BCCH (col 6 lines 18-29). Haartsen fails to teach a method wherein the wireless device receiving GSM public broadcast services from a mobile phone network operating the selected BCCH irrespective of whether the wireless device subscribes to the mobile phone network.

However, Zhao teaches a method wherein the wireless device receiving GSM public broadcast services from a mobile phone network operating the selected BCCH irrespective of whether the wireless device subscribes to the mobile phone network.

(0004, 0033). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching of Zhao with Haartsen, in

order to provide a certain establishing emergency and other limited communications sessions for wireless communications devices having invalid subscriber identities in packet data networks.

Haartsen fails to teach searching for a Subscriber Identity Module (SIM) card in the mobile station, determining that the mobile station does not contain a SIM card or that the mobile station contains a SIM card that cannot provide local telephone service. However, Yaqub modified by Zhao fails to teach searching for a Subscriber Identity Module (SIM) card in the mobile station, determining that the mobile station does not contain a SIM card or that the mobile station contains a SIM card that cannot provide local telephone service (0033). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching of Yaqub with Haartsen modified by Zhao, in order to provide a certain establishing emergency and other limited communications sessions for wireless communications devices having invalid subscriber identities in packet data networks.

Regarding claim 11, Haartsen teaches a method of claim 1 wherein if the wireless device is a multi-band device capable of receiving signals in a plurality of frequency bands, the wireless device scans all frequencies in each of the plurality of frequency bands for identifying all possible BCCHS (col 5 lines 20-22, col 6 lines 32-55).

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Regarding claim 16, Haartsen teaches a method wherein after the wireless device selects the BCCH having the strongest average RSSI level, the wireless device continues to monitor a subset of the identified BCCHs having a highest average RSSI level to ensure that the wireless device always selects the BCCH with the Strongest average RSSI level (col 6 lines 9-63).

6. Claims 12-15, 17, are rejected under 35 U.S.C. 103(a) as being unpatentable over Haartsen et al. (US patent 6,405,048), and Zhao et al. (US Publication 20040192251 A1), in view of and Yaqub (US Publication 2005/01001332 A1) in further view of Abrahamson et al. (US Publication 2004/01009431 A1).

Regarding claim 12, Haartsen teaches a method wherein performs the RF scan on all frequencies in at least one predetermined frequency band if no BCCH formation is already stored in the RSSI level (col 5 lines 20-55, col 7 lines 9-63). However, Haartsen modified by Zhao and Yaqub fails to teach the wireless device comprises a nonvolatile memory, and the wireless device performs the RF scan on all frequencies in at least one predetermined frequency band if no BCCH formation is already stored in the RSSI level. However, Abrahamson teaches the wireless device comprises a nonvolatile memory, and the wireless device performs the RF scan on all frequencies in at least one predetermined frequency band if no BCCH formation is already stored in the RSSI level (0054, 0080-0081). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching of Abrahamson

with Haartsen modified Zhao and Yaqub, in order to enable the user to stores more information in the mobile, for the purpose of improving the system performance.

Regarding claim 13, Haartsen teaches a method of claim 3 wherein if BCCH RSSI level RSSI level information the wireless device loads the BCCH and selects a BCCH having a Strongest average RSSI level (col 7 lines 9-67, col 8 lines 1-4) . However, Haartsen modified by Zhao and Yaqub fails to teach a method of claim 3 wherein if BCCH RSSI level information is already stored in the nonvolatile memory. However, Abrahamson teaches the wireless device comprises a nonvolatile memory, and the wireless device performs the RF scan on all frequencies in at least one predetermined frequency band if no BCCH formation is already stored in the RSSI level (0054, 0080-0081). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching of Abrahamson with Haartsen modified Zhao and Yaqub, in order to enable the user to stores more information in the mobile, for the purpose of improving the system performance.

Regarding claim 14, Haartsen modified by Zhao and Yaqub fails to teach a method of claim 3 wherein after measuring the RSSI levels for each BCCH and sorting the BCCHS accordiing to the corresponding RSSI levels, the wireless device stores a list of the sorted BCCHS and the corresponding RSSI levels in the nonvolatile memory. However, Abrahamson teaches a method of claim 3 wherein after measuring the RSSI levels for each BCCH and sorting the BCCHS accordiing to the corresponding RSSI

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levels, the wireless device stores a list of the sorted BCCHS and the corresponding RSSI levels in the nonvolatile memory (0054, 0080-0081). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching of Abrahamson with Haartsen modified Zhao and Yaqub, in order to enable the user to stores more information in the mobile, for the purpose of improving the system performance.

Regarding claim 15, Haartsen modified by Zhao and Yaqub fails to teach a method wherein the wireless device is capable of updating the list of the sorted BCCHS and the corresponding RSSI levels in the nonvolatile memory if the average RSSI level of the selected BCCH changes by more than a threshold value while the wireless device is camping on the cell corresponding to the selected BCCH. However, Abrahamson teaches a method wherein the wireless device is capable of updating the list of the sorted BCCHS and the corresponding RSSI levels in the nonvolatile memory if the average RSSI level of the selected BCCH changes by more than a threshold value while the wireless device is camping on the cell corresponding to the selected BCCH (0054, 0080-0081). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching of Abrahamson with Haartsen modified Zhao and Yaqub, in order to enable the user to stores more information in the mobile, for the purpose of improving the system performance.

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Regarding claim 17, Haartsen modified by Zhao fails to teach a method wherein the wireless device is capable of camping on multiple BCCHS simultaneously if the multiple BCCHS each belong to different Mobile Country Codes (MCCs) and/or Mobile Network Codes (MNCs). However Abrahamson teaches a method wherein the wireless device is capable of camping on multiple BCCHS simultaneously if the multiple BCCHS each belong to different Mobile Country Codes (MCCs) and/or Mobile Network Codes (MNCs) (0066). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching of Abrahamson with Haartsen modified Zhao, in order to enable the user to store more information in the mobile, for the purpose of improving the system performance.

7. Claim 19, is rejected under 35 U.S.C. 103(a) as being unpatentable over Haartsen et al. (US patent 6,405,048) in view of Zhao et al. (US Publication 20040192251 A1) and Yaqub, in further view of Hsuan (US Publication 2005/01001332 A1).

Regarding claim 19, Haartsen modified by Zhao and Yaqub fails to teach a method of claim 1 wherein the GSM public broad-cast services include Short Message Service (SMS) messages sent to wireless devices by mobile phone net-works. However, Hsuan teaches a method wherein a method of claim 1 wherein the GSM public broad-cast services include Short Message Service (SMS) messages sent to wireless devices by mobile phone net-works (0007). Therefore, it would have been obvious to

ordinary skill in the art at the time the invention was made to combine the above teaching of Hsuan with Haartsen modified Zhao and Yaqub for the purpose when a user does not contact GSM system, the SMSC will reserve the message and send it to the user once the user connects the system.

Allowable Subject Matter

8. Claim 18, is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

9. Applicant's arguments filed 12/05/05 have been fully considered but they are not persuasive.

In response to applicant's argument regarding claims 1, 4, that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Haartsen teaches method for receiving public broadcast services with a wireless device compatible with the Global System for Mobile communications (GSM) protocol (col 6 lines 19-30), the method comprising:

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the wireless device selecting a BCCH having a strongest average RSSI Level (col 7 lines 64-67, col 8 lines 1-4); the wireless device camping on a cell corresponding to the selected BCCH (col 6 lines 18-29). Haartsen fails to teach a method wherein the wireless device receiving GSM public broadcast services from a mobile phone network operating the selected BCCH irrespective of whether the wireless device subscribes to the mobile phone network. However, Zhao teaches a method wherein the wireless device receiving GSM public broadcast services from a mobile phone network operating the selected BCCH irrespective of whether the wireless device subscribes to the mobile phone network. (0004,0033). Therefore, by combining the above teaching of Zhao with Haartsen, providing a certain establishing emergency and other limited communications sessions for wireless communications devices having invalid subscriber identities in packet data networks.

In response to the applicant's argument regarding claim 9, Haartsen modified by Zhao fails to teach a method of claim 1 wherein the GSM public broadcast services include Short Message Service (SMS) messages sent to wireless devices by mobile phone networks. However, Hsuan teaches a method wherein a method of claim 1 wherein the GSM public broadcast services include Short Message Service (SMS) messages sent to wireless devices by mobile phone networks (0007). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching of Hsuan with Haartsen modified Zhao, for the purpose when a user does not contact GSM system, the SMSC will reserve the message and send it to the user once the user connects the system.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

11. **Any responses to this action should be mailed to:**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naghmeh Mehrpour whose telephone number is 571-272-7913. The examiner can normally be reached on 8:00- 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold be reached (571) 272-7905.


The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NM

April 20, 2006



MELOSYN H. POUL
PATENT EXAMINER